

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS AT WORCESTER

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2004 MAY 11 P 1:01

CHERYL A. MONTANARI )  
Plaintiff )  
vs. )  
BLAIRE HOUSE OF MILFORD )  
ESSEX GROUP MANAGEMENT )  
CORP., THOMAS SULLIVAN )  
Alias, and MAUREEN GULINO )  
Alias, )  
Defendants )  
\_\_\_\_\_ )

Civil Action No. 04-40012-NMG

**JOINT MOTION TO DISMISS AND REMAND TO STATE COURT**

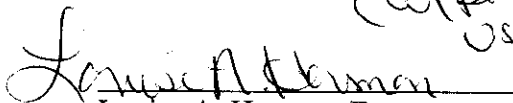
All parties hereto submit this Joint Motion to Dismiss this action without prejudice and to Remand to Worcester Superior Court. As grounds therefor, the parties state as follows:

1. Plaintiff originally filed federal and state claims in the Worcester Superior Court on or about December 23, 2003 and served her Complaint on defendants on or about January 18, 2004. Thereafter, on January 22, defendants filed, in this Court, a Verified Notice of Removal of Action Under 28 U.S.C. §1441(b).
2. On or about April 5, 2004 the parties entered into a Stipulation in which the plaintiff agreed to withdraw all her claims based on federal law. A copy of the Stipulation is attached hereto.
3. Pursuant to the Stipulation, plaintiff amended her Complaint in the Worcester Superior Court by withdrawing her claims based on federal

law. As a result the parties seek to dismiss this action and proceed in state court. However, the dismissal is without prejudice in the event that plaintiff attempts to reassert claims based on federal law.

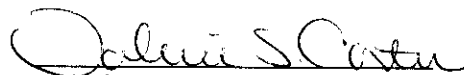
WHEREFORE, all parties hereto request entry of dismissal without prejudice and without costs as prayed for above.

PLAINTIFF,  
By her attorney,



(w/permission  
JSC)  
Louise A. Herman, Esq.  
BBO No. 548995  
Sinapi, Formisano & Coleman Ltd.  
101 Midway Place, Suite 1  
Cranston, RI 02920-5707  
401-944-9690

DEFENDANTS  
By their attorney,



Valerie S. Carter, Esq.  
BBO No. 545412  
CARTER & DOYLE LLP  
530 Atlantic Avenue  
Boston, MA 02210  
617-348-0525

DATED: May 10, 2004

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2004 a true copy of the above document was served upon the attorney of record for each other party by mail, postage prepaid.

  
Valerie S. Carter, Esq.

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SC.

SUPERIOR COURT

CHERYL A. MONTANARI

Plaintiff,

vs.

BLAIRE HOUSE OF MILFORD;  
ESSEX GROUP MANAGEMENT CORP.,  
THOMAS SULLIVAN, alias; and  
MAUREEN GULINO, alias,  
Defendants

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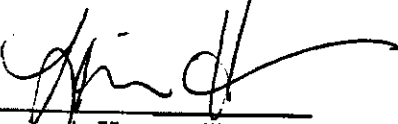
WOCV2003-02473-B

STIPULATION

The undersigned parties hereby stipulate and agree as follows:

1. That Plaintiff will file an Amended Complaint, withdrawing claims pursuant to the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§12101, et seq., or Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §2000e, et seq.
2. That Plaintiff will not seek to further amend the Amended Complaint to include any claims based on any other federal statute or law giving rise to federal question jurisdiction, including claims pursuant to the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§12101, et seq., or Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §2000e, et seq.
3. That Defendants will withdraw the Verified Notice of Removal of Action dated January 20, 2004, filed pursuant to 28 U.S.C. §1441(b).


Attorneys for the Plaintiff,  
SINAPI, FORMISANO & COLEMAN, LTD.



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Date: 3/4/04

Attorneys for Defendants,  
CARTER & DOYLE, LLP



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Date: 4/5/04